

JOSEPH & KIRSCHENBAUM LLP

Attorneys at Law

Charles Joseph
D. Maimon Kirschenbaum
Douglas Weiner
Matthew D. Kadushin
Denise A. Schulman
Joseph Nussbaum

The Woolworth Building
233 Broadway, 5th Floor
New York, NY 10279
Phone (212) 688-5640
Fax (212) 688-2548
www.JK-LLP.com

October 14, 2014

VIA ECF

Honorable Nelson S. Roman
United States District Court
Federal Building and U.S. Courthouse
300 Quarropas St.
White Plains, NY 10601

Re: *Joseph Maiaro, et al. v. Alarm Specialist, et al.*
Civil Action File No. 13-CV-8658

Dear Judge Roman:

We represent the Plaintiffs in the above-captioned case. We write to submit recent supplemental authority in further opposition to Defendants' objections and in support of the May 21, 2014 Decision and Order of Magistrate Judge Smith granting Plaintiffs leave to amend the complaint to add opt-in Plaintiff Thomas Langhorn as a named Plaintiff, and Class and Collective representative. On October 9, 2014, the Honorable Raymond J. Dearie decided *Anjum v. J. C. Penny, Inc.*, which held that opt-in plaintiffs may become party plaintiffs by filing consent to sue forms prior to court authorized notice. (decision attached) No. 13-CV-0460 (RJD), 2014 U.S. Dist. LEXIS 144199, at *33 (S.D.N.Y. July 25, 2014) ("In reaching this conclusion, the Court need not look much further than the language of Section 216(b) itself . . ."). Accordingly, Magistrate Judge Smith's Order should be affirmed and Defendants' objections be denied.

We thank Your Honor for the Court's attention to this matter.

Respectfully submitted,
/s/ Douglas Weiner
Douglas Weiner

cc: Anthony Rainone (via ecf)